

**RESOLUTION AGREEMENT**  
**Puerto Rico Department of Education**  
**Case No. 02-16-1005**

In order to resolve Case No. 02-16-1005, the Puerto Rico Department of Education (the PRDOE) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 (Section 504); and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

**Action Item 1:**

By May 1, 2016, the PRDOE will convene a meeting of a group of persons knowledgeable about the Student (such as the Comité de Programación y Ubicación (COMPU)) to determine whether the Student requires remedial and/or compensatory services as a result of not receiving XXXXXXXX XXXXX XXXXX as prescribed by her Programa Educativo Individualizado (PEI) during school year 2015-2016. If the group of knowledgeable persons determines that the Student requires remedial and/or compensatory services, the PRDOE will develop a plan for providing the services; with a completion date for providing the services not to extend beyond December 15, 2016.

**Reporting Requirements:**

- a) By May 15, 2016, the PRDOE will submit to OCR a copy of the meeting minutes or similar documentation for Action Item 1 above; including but not limited to an explanation for decisions made regarding remedial and/or compensatory services, and a description of and schedule for providing remedial and/or compensatory services, if any, to the student. OCR will review the documentation submitted to ensure that the PRDOE met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- b) By December 31, 2016, the PRDOE will provide documentation to OCR demonstrating that it has provided the Student with any remedial and/or compensatory services deemed necessary. The documentation should include the dates, times, and locations for services provided, and the names(s) of the service provider(s).

**Action Item 2:**

By September 15, 2016, PRDOE will provide training to PRDOE staff and administrators, relevant staff at XXXXXXXXXXXX, and/or other relevant personnel responsible for ensuring the implementation of PEIs for students with disabilities, regarding the PRDOE's obligations to provide such students with the special education and related aids and services, as required by their PEIs and pursuant to Section 504 and the ADA. The training will include at a minimum instruction regarding: (a) the PRDOE's responsibility to provide a free appropriate public

education (FAPE) under the regulation implementing Section 504, at 34 C.F.R. §104.33; (b) the responsibility of PRDOE/School staff to provide students with the special education and other related aids and services, as determined necessary by a group of knowledgeable persons (such as the COMPU or other Section 504 team); (c) maintaining timely, detailed, and accurate documentation regarding the provision of services to students; and (d) tracking and/or monitoring the provision of services to students, to ensure that all required services are provided.

**Reporting Requirement:** By September 30, 2016, the PRDOE will provide documentation to OCR demonstrating that training was provided consistent with Action Item 2 above, including: (a) the name(s) of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and, (d) copies of any training materials disseminated.

The PRDOE understands that OCR will not close the monitoring of this agreement until OCR determines that the PRDOE has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.33, and the ADA, at 28 C.F.R. § 35.130(a), which were at issue in this case. The PRDOE also understands that by signing this agreement, it agrees to provide data and other information in a timely manner. Further, the PDROE understands that during the monitoring of this agreement, OCR may visit the PRDOE, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the PRDOE has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.33, and the ADA, at 28 C.F.R. §35.130(a), which were at issue in this case. The PRDOE understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the PRDOE written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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Date

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Authorized Signature  
Puerto Rico Department of Education